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C O N F I D E N T I A L NICOSIA 01955

SIPDIS

CX:

ACTION: POL

INFO: CONS TSR PMA ECON DAO DCM AMB RAO FCS PA MGT

DISSEMINATION: POLX /1

CHARGE: PROG

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FM AMEMBASSY NICOSIA

TO RUEHC/SECSTATE WASHDC 5254

INFO RUEHAK/AMEMBASSY ANKARA 4448

RUEHTH/AMEMBASSY ATHENS 3414

RUEHLO/AMEMBASSY LONDON 1082

RUCNDT/USMISSION USUN NEW YORK 0417

RUEHBS/USEU BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 NICOSIA 001955

SIPDIS

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [UNSC](#) [CY](#)

SUBJECT: SUBJECT: "SETTLERS" AND CITIZENSHIP: THE
MAKINGS OF A CYPRIOT

Classified By: CDA Jane Zimmerman, for reasons 1.4 (b) and (d)

11. (C) Summary: Questions of "settler status" and ROC citizenship have become increasingly entwined, further complicating an already contentious issue that lies close to the core of the Cyprus dispute. Issues of citizenship, status, and the definition of a "settler" are of more than academic interest. These deeply intertwined questions--together with the issue of "legitimate" ownership of disputed property--lie at the very heart of the Cyprus problem. What is clear is that on these emotionally-charged issues, rationality, proportion, and basic fairness are often pushed aside in favor of score-settling. This is an unhelpful but all-too-common motif in the Cyprus dynamic. Public debate on these issues comes in fits and starts, but they will remain central to any future efforts aimed at brokering a comprehensive Cyprus settlement. End Summary.

Just Who is a Citizen?

12. (C) There is a fundamental anomaly built into ROC citizenship law that may well constitute a prima facie violation of the right of EU citizens to equal protection under the law. Under the relevant provisions of the ROC citizenship law, children with even a single Cypriot parent are automatically entitled to ROC citizenship. The government, however, has reserved for itself a review mechanism requiring the Council of Ministers (COM) to specifically approve applications for citizenship from children of mixed Turkish Cypriot/mainland Turkish parentage. The expressed goal of this procedure is to identify those children with a "settler" parent so that they might be denied citizenship on the grounds that the children of settlers are themselves "products of a crime." In our own reading of the law, we can find no explicit requirement--or even authorization--for this discriminatory review. It is simply asserted by ROC authorities as both a necessity and a right.

And Who is a Settler?

13. (C) The COM periodically reviews such lists of application for citizenship, but evidently without much enthusiasm. The criticism leveled at ROC officials by the Greek Cypriot public has been that the government is too lax in performing this duty, rather than too rigid. Following the last round of adjudications, nationalist politicians and journalists launched a sharp attack against Interior Minister Andreas Christou for being too liberal in interpreting the law and encouraging the COM to approve a list of 1048 applications for citizenship from children of mixed Turkish parentage. In his defense, Christou maintained that the Ministry had conducted the research necessary to establish that none of the children in question had a "settler" parent. Christou also offered a definition of "settler" that was significantly more restrictive than that which the ROC uses to bolster its claim that there are now more "settlers" than Turkish Cypriots in the north. Christou maintained that a "settler" was a person "who, as part of an organized group, arrives in Cyprus to change the demographic character of the Turkish Cypriot community and people." This narrow definition would apply only to a relatively small number of Turks who came to Cyprus as part of a Turkish-sponsored emigration program in the 1970s.

14. (C) In debating "the settler question" under the auspices of UN-brokered settlement negotiations, however, the Greek Cypriot side uses a significantly more expansive definition. The ROC includes soldiers, students, and seasonal laborers in the inflated figures it pushes in seemingly endless "Aide Memoires" distributed at the UN or--more recently--in the EU.

Damned If You Don't

15. (C) Christou's limited definition of a settler prompted angry attacks from the nationalist right. Loukis Loukaides--who is paradoxically a judge in the European Court of Human Rights--argued that "any Turkish national who arrived in the occupied area was, on the evidence, a settler." Adding a dose of bile to his argument, Loukaides concluded that "the children of settlers are the product of the crime and cannot be legalized." Andreas Angelides, a prominent Greek Cypriot lawyer and a member of the DIKO Executive Committee, reasoned that any Turkish citizen on Cyprus was a settler "even in the case where a Turkish citizen has married a Turkish Cypriot abroad and then traveled to the island."

And Damned If You Do

16. (C) Former Attorney General Alekos Markides dismissed these arguments as absurd and told Polchief that he considered the citizenship law to be "arbitrary and capricious," and a violation of equal protection rights. If a Turkish Cypriot married--or had a child with--a Swede or a Spaniard for example, his or her children were automatically considered ROC citizens. If the other parent was a Turkish national however, the law required government approval before citizenship could be granted. Markides did not know of any case in which the ROC used this authority, and he noted that any individual denied citizenship on these grounds would have recourse to the ROC and, if necessary, to the EU courts to overturn the ruling. Markides defended Christou's definition of a "settler" as legally correct, but observed that the presence of a large number of economic migrants in the north with claim to "TRNC" citizenship produced a grey area in the law that was best "handled quietly."

¶7. (C) Other prominent GreekCypriots who played a role in negotiating the "settler" provisions of the Annan Plan supported Chisou's reading of the legislation and stated their discomfort over the discriminatory application of the law. United Democrats leader and former Clerides-government spokesman Michalis Papapetrou told us that Christou's definition of a "settler" was legally sound, but politically unsustainable. Irrespective of the question of "settler" status however, was the underlying argument that the ROC could not deny citizenship to children with one settler parent without violating a raft of international agreements.

¶8. (C) Former Cypriot UN PermRep Andreas Mavrommatis agreed. He argued that the UN Convention on the Rights of the Child superseded Cypriot citizenship law and should be read as prohibiting the singling out of children of mixed Cypriot/Turkish parentage for special, discriminatory treatment. He added that the issue of granting Cypriot citizenship to the spouse or parent of a Cypriot citizen was a separate issue that would need to be considered as part of an eventual settlement agreement.

¶9. (C) Toumazos Tsielepis, a member of the Greek Cypriot negotiating team during the last round of settlement talks and the AKEL party's leading constitutional expert, defended the ROC citizenship legislation as a "practical necessity." There was little risk, Tsielepis maintained, that anyone entitled to ROC citizenship would be denied. Rather than argue over the definition of a "settler," the two sides should work towards agreeing on a specific number of "settlers" to be allowed to remain on the island under the terms of a solution. From such a number, he was certain that the necessary modalities of implementation would naturally emerge.

Comment

10. (C) The human rights concerns stemming from the discriminatory and unequal application of Cypriot citizenship law are self-evident. As we have no information that the COM has ever denied ROC citizenship to a child with one Cypriot and one "settler" parent, it may be difficult to prove material harm, but the principles at issue are deeply troubling.

¶11. (C) At the same time, there may well be something constructive in the principle underlying Christou's argument that not all mainland Turks in the north are "settlers," and not all settlers are the same. "Settler-dom" is not a binary status, but more a sliding scale of legitimacy, with children of settler extraction born in Cyprus at one end of the scale and those deliberately relocated to Cyprus at the direction of the Turkish government at the other end. The majority of mainland Turks who are living more-or-less permanently in the north fall somewhere in between. It may be worthwhile to consider a criteria-based approach to negotiating who will be allowed to remain under the terms of a settlement package rather than the quota-based approach of the ultimately unsuccessful Annan III-V negotiations.

ZIMMERMAN